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Attorneys for Defendant Richard Walter

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

Eugene Division

NICHOLAS JAMES MCGUFFIN, as an individual and as guardian *ad* litem, on behalf of S.M., a minor,

PLAINTIFF,

vs.

MARK DANNELS, PAT DOWNING, SUSAN HORMANN, MARY KRINGS, KRIS KARCHER, SHELLY MCINNES, RAYMOND MCNEELY, KIP OSWALD, MICHAEL REAVES, JOHN RIDDLE, SEAN SANBORN, ERIC SCHWENNINGER, RICHARD WALTER, CHRIS WEBLEY, ANTHONY WETMORE, KATHY WILCOX, CRAIG ZANNI, DAVID ZAVALA, JOEL D. SHAPIRO, as administrator of the **ESTATE OF DAVID E. HIAL**, **VIDOCQ SOCIETY, CITY OF COQUILLE, CITY OF COOS BAY**, and **COOS COUNTY**,

DEFENDANTS.

Case No. 6:20-cv-01163-MK (lead case)

DEFENDANT RICHARD WALTER'S ANSWER AND AFFIRMATIVE DEFENSES TO DEFENDANT VIDOCQ SOCIETY'S CROSS-CLAIM

NICHOLAS JAMES MCGUFFIN, as an individual and as guardian ad litem, on behalf of S.M., a minor,

PLAINTIFF,

vs.

OREGON STATE POLICE,

DEFENDANT.

Case No. 3:21-cv-01719-AC (trailing case)

Defendant Richard Walter (“defendant Walter”) hereby answers defendant Vidocq Society’s cross-claim at paragraphs 331 to 334 of defendant Vidocq Society’s Answer to Plaintiffs’ Second Amended Complaint, Affirmative Defenses and Cross-Claims, and Counterclaim as follows:

1.

As to paragraphs 331 through 334, to the extent allegations are directed at defendant Walter, defendant Walter denies the allegations. To the extent that the allegations are directed to other co-defendants, no response is required.

2.

Defendant Walter reserves all rights under FRCP to plead further in response to all allegations directed to defendant Walter by any party to this litigation.

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FOR HIS FIRST AFFIRMATIVE DEFENSE, defendant Walter alleges as follows:

(Fault of Others)

3.

Some or all of the alleged harm, to the extent any may be established, was the result of the acts and/or omission of plaintiff McGuffin, his authorized agents, and/or the fault of others.

* * * * *

FOR HIS SECOND AFFIRMATIVE DEFENSE, defendant Walter alleges as follows:

(Comparative Fault)

4.

To the extent that any claim may be established by plaintiff, and if the court enters judgment in favor of plaintiff, it must apportion plaintiff's total damages, if any, in accordance with the allocation provisions of ORS 31.600 to 31.610.

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FOR HIS THIRD AFFIRMATIVE DEFENSE, defendant Walter alleges as follows:

(Statute of Ultimate Repose)

5.

The underlying claims, and derivatively the cross-claims, are barred by the statute of ultimate repose and statutory limitations applicable to the claims directed against defendant Walter.

WHEREFORE, having fully answered defendant Vidocq Society's cross-claim, defendant Walter prays for judgment in his favor including dismissal of the cross-claim of defendant Vidocq Society, and award for his costs, disbursements, and such other relief as the court deems just and equitable.

DATED this 10th day of April, 2023.

LUVAAS COBB

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